

**BIFFERATO GENTILOTTI  
BIDEN & BALICK**

December 5, 2005

**BY ELECTRONIC FILING**

The Honorable Gregory M. Sleet  
U.S. District Court for the District of Delaware  
844 North King Street  
Lock Box 19  
Wilmington, DE 19801

*Senior Counsel*  
Sidney Balick  
Vincent A. Bifferato  
William Swain Lee  
Carl Schnee

Re: AB/Sciex v. Thermo Electron Corp., Civil Action No. 04-1230 GMS

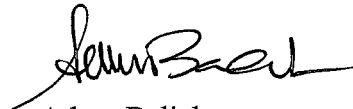
Dear Judge Sleet:

In anticipation of the discovery teleconference scheduled on Tuesday, December 6, 2005 at 3:00 p.m. in the above-captioned matter, the parties jointly submit the following items to be presented to the Court:

Defendant Thermo raises the following issues with respect to Plaintiff AB/Sciex and third-party Waters Corporation ("Waters"):

- 1) Whether certain materials sought are relevant to the lawsuit;
- 2) The extent to which such relevance outweighs Waters' right to keep the materials confidential beyond the confidentiality protections already in place; and
- 3) Whether restrictions on the access to the requested material that have been proposed by Waters are reasonable.

Respectfully,



Adam Balick

AB/lis

cc: Kelly E. Farnan, Esquire  
Josy W. Ingersoll, Esquire  
Karen Elizabeth Keller, Esquire  
Steven M. Muller, Esquire  
Clerk of Court

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